

1
2
3
4
5
6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 UNITED STATES OF AMERICA,
10
11 Plaintiff,

Case No. CR07-95-RSL

12 v.

13 BENJAMAN KEVIN MITCHELL,
14
15 Defendant.

**PROPOSED FINDINGS OF FACT
AND DETERMINATION AS TO
ALLEGED VIOLATIONS OF
SUPERVISED RELEASE**

16 **INTRODUCTION**

17 I conducted a hearing on alleged violations of supervised release in this case on September
18 17, 2012. The defendant appeared pursuant to a summons issued in this case. The United States
19 was represented by Katheryn K. Frierson, and defendant was represented by Lee A. Covell.
20 Also present was U.S. Probation Officer Jennifer van Flandern. The proceedings were digitally
21 recorded.

22 **SENTENCE AND PRIOR ACTION**

23 Defendant was sentenced on September 4, 2007, by the Honorable Robert S. Lasnik for
Bank Fraud. He received 27 months of detention and 5 years of supervised release.

PRESENTLY ALLEGED VIOLATIONS

In a petition dated August 27, 2023, U.S. Probation Officer Jennifer van Flandern alleged

1 that defendant violated the following conditions of supervised release:

- 2 1. Failing to make payments toward restitution in monthly installments of not less
3 than 10% of his gross monthly household income, in violation of the special
4 condition requiring he do so.
- 5 2. Failing to submit financial information as requested in May, June, and July 2012,
6 in violation of his special condition requiring he provide all requested financial
7 information as requested.
- 8 3. Failing to submit a completed month report for the months of April, May, June,
9 and July, in violation of standard condition number 2.

10 **FINDINGS FOLLOWING EVIDENTIARY HEARING**

11 Defendant admitted the above violations, waived any hearing as to whether they occurred,
12 and was informed the matter would be set for a disposition hearing on October 5, 2012, at 10:00
13 a.m. before District Judge Robert S. Lasnik.

14 **RECOMMENDED FINDINGS AND CONCLUSIONS**

15 Based upon the foregoing, I recommend the court find that defendant has violated the
16 conditions of his supervised release as alleged above, and conduct a disposition hearing.

17 DATED this 17th day of September, 2012.

18 
19 _____
20 BRIAN A. TSUCHIDA
21 United States Magistrate Judge
22
23